

REMARKS

In response to the above-identified Office Action, Applicant traverses the Examiner's rejection to the claims and seeks reconsideration thereof. Claims 1-13 are now pending in the present application. In this response, Claim 5 is amended, no claims are added and no claims are cancelled.

I. Claim Amendment

Applicant respectfully submits herewith an amendment to Claim 5 pursuant to the Examiner's request. In particular, Claim 5 is amended to recite "YS-44442 of *Saccharothrix*, YS-45494 of *Saccharothrix*." Support for the amendment may be found, for example, in original Claim 5 and page 3, paragraph [0009] of the application. In view of the foregoing, Applicant respectfully requests consideration and entry of the amendment to Claim 5.

II. Claim Rejections – 35 U.S.C. §112, second paragraph

A. In the outstanding Office Action, the Examiner rejects Claim 5 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. In particular, the Examiner alleges the recitation of "YS-44442 of claim 1" and "YS-45494 of claim 2" lacks antecedent basis. In response, Applicant has amended Claim 5 to replace these limitations with the limitations "YS-44442 of *Saccharothrix*, YS-45494 of *Saccharothrix*." Applicant respectfully submits in view of the amendment, Claim 5 is now in compliance with 35 U.S.C. §112, second paragraph. For the foregoing reasons, Applicant respectfully requests withdrawal of the rejection of Claim 5 under 35 U.S.C. §112, second paragraph.

III. Allowable Subject Matter

Applicant respectfully acknowledges the Examiner's indication that claims 1-4 and 6-13 are allowed over the art of record on the basis that the prior art does not suggest or motivate one of ordinary skilled in the art to employ the specific series of steps for the isolation of pravastatin.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely Claims 1-13, are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

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Dated: 9/13/06

By: ESH

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Si Vuong

9/13/06

Date